IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 31010 of 2006(N)

PETITIONER:

S. SURESH PILLAI,
SREEMANI, DIAMOND HILL, VELLAYAMBALAM,
THIRUVANANTHAPURAM-695 010.

BY ADV. SRI.TOM K.THOMAS

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVT.,
PUBLIC WORKS DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (ROADS & BRIDGES),
PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA,
PUBLIC OFFICE BLDG., MUSEUM ROAD,
THIRUVANANTHAPURAM-1.

3. THE ASSISTANT EXECUTIVE ENGINEER,
LAND FUND BOARD, PUBLIC OFFICE BLDG.,
MUSEUM ROAD, THIRUVANANTHAPURAM-1.

ADDL.R4:

TRIVANDRUM DEVELOPMENT AUTHORITY (TRIDA), TRIVANDRUM
REP. BY ITS SECRETARY

ADDL.R4 IS IMPLEADED AS PER THE ORDER DATED 20.2.2007 IN IA 2260/2007.

R1 TO R3 BY GOVERNMENT PLEADER SHRI L.G.SURESH BABU
ADDL.R4 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOCOPY OF THE ENCUMBRANCE CERTIFICATE ISSUED IN FAVOUR OF THE PETITIONER WITH RESPECT TO THE PROPERTY IN SY.NO.473/B-24/42 OPF ANCHAMADA VILLAGE

EXT.P2 A COPY OF THE LETTER ISSUED TO THE CHAIRMAN OF TRIDA

EXT.P3 THE POSTAL ACKNOWLEDGE CARD

EXT.P4 A SKETCH SHOWING THE PROPERTY'S IN SY.NO.473

EXT.P5 A TRUE COPY OF THE NOTICE PURPORTING TO BE UNDER SEC.9(3) OF THE LAND ACQUISITION ACT, DATED 30.4.2007

EXT.P6 -DO- -DO- DATED 21.5.2007

RESPONDENTS' EXHIBITS:

ANNEXURE R1(a) TRUE COPY OF NOTIFICATION DATED 3.2.2005

ANNEXURE R1(b) TRUE COPY OF THE SITE PLAN

//TRUE COPY//

K. PADMANABHAN NAIR ,J

W.P.(C) No.31010 of 2006 N

Dated, this the 24th day of August, 2007

JUDGMENT

Petitioner is the owner of six cents of land comprised in Sy.No.473/B-24/42 of Anchamada Village, Thiruvananthapuram. A portion of the property was notified by the respondents on 3.2.2005 for widening Sasthamangalam-Vellayambalam road. Challenging that notification this Writ Petition is filed. The main relief sought for in the Writ Petition is for a direction to the respondents to acquire equal land from either side of the road. The petitioner had filed Ext.P2 representation before the additional fourth respondent.

2. First respondent filed a counter affidavit denying the allegations levelled in the Writ Petition. Considering the facts and circumstances of the case, I am of the view that the Writ Petition itself can be disposed of with a direction to the additional fourth respondent to place Ext.P2 representation filed by the petitioner before the High Level Committee constituted under the Capital Development Regional Programme for taking a decision with notice to the petitioner.

In the result, Writ Petition is disposed of with a direction to the additional fourth respondent to place Ext.P2 representation filed by the petitioner before the High Level Committee constituted under the Capital Development Regional Programme. The High Level Committee shall consider Ext.P2 representation and

take appropriate decision in accordance with law, with due notice to the petitioner as well as the requisitioning authority within a period of two months from the date of receipt of representation. Until the matter is heard and disposed of the petitioner shall not be dispossessed from the land under his possession.

I.A.No.11577/2007 will stand dismissed.

K. PADMANABHAN NAIR
JUDGE

cks